

Feb 05 2008 4:50PM HP LASERJET FAX

(212) 643-2901

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

DIAMOND DRUMGOOLE, by her parent and natural  
guardian, ANDREA DRUMGOOLE,

Plaintiff,

-against-

THE CITY OF NEW YORK; COMMISSIONER  
RAYMOND W. KELLY; and P.O. FOLELY, the individual  
defendants sued individually and in their official capacities,

Defendants.

**STIPULATION AND ORDER  
TO AMEND THE FIRST  
AMENDED COMPLAINT**

07 CV 7703 (SHS) (MHD)

ECF Case

SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE

X

WHEREAS, plaintiff commenced this action by filing a complaint in this  
matter; and

WHEREAS, plaintiff, pursuant to Fed. R. Civ. P. 15(a), seeks leave to  
amend the first amended complaint; and

WHEREAS, upon reviewing the proposed second amended complaint,  
defendants consent to the amendments set forth in the proposed the second amended  
complaint; and

WHEREAS, by consenting to allow plaintiff to file and serve the second  
amended complaint, defendants do not waive any of their affirmative defenses, including  
but not limited to, the statute of limitations defense;

WHEREAS, the parties have agreed that the defendants shall answer the  
second amended complaint within thirty days of being served with the second amended  
complaint;

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IT IS HEREBY STIPULATED AND AGREED, that the complaint shall

be amended as set forth in the proposed second amended complaint.

DATED: New York, New York

February 12, 2008

2) The last day of discovery is  
extended to 4/25/08, and  
3) The 3/28/08 conference is adjourned  
to 4/25/08, at 10:30 a.m.

MICHAEL HUESTON, ESQ.

*Attorney for Plaintiff*


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By:

  
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(212) 788-0987

By:

  
ROBYN N. PULLIO (RP-7777)

SO ORDERED: 2/15/08

  
HON. SIDNEY H. STEIN  
U.S.D.J.